

REMARKS/ARGUMENTS

Following entry of the amendment, claims 12-40 will be pending in this application. Claims 1-11 have been withdrawn from consideration due to a previous restriction requirement. Claims 12, 18, and 21 have been amended. Claims 30-40 have been added by this amendment. Applicants respectfully submit that the grounds for rejection have been overcome, and that this case is now in condition for allowance. Applicants discuss the grounds for rejection, and the amendments, below.

The Section 112 Rejection

Claims 12-20 have been rejected under 35 U.S.C. § 112, second paragraph. In particular, claim 12 has been rejected due to an asserted lack of relationship between the features “first information” and “first testing materials.” Applicants submit that the relationship between these elements was clear in the originally-filed form of the claim; however, the amendment presented herein makes this relationship even more clear, and thus applicants submit that the section 112 rejection of claim 12 has been addressed.

Additionally, the Examiner states that the preamble of claim 12 calls for a “method of operating a test center,” but that the body of the claim “sets forth no stop [sic] or suggestion how the method is to actually perform this function.” Applicants are puzzled by this rejection. The various steps recited in the claim, when performed together, result in the operation of a test center in a certain manner. The function of the claims is to delimit the scope of the invention, not to explain how the claimed elements achieve a particular function. It is the function of the specification to teach the invention, and applicants submit that the

specification describes the acts recited in claim 12, and explains how these acts relate to the operation of a test center.

Claims 14 and 15 have been rejected under section 112 due to the use of a trademark or trade name. However, MPEP 2173.05(u) makes it clear that the use of a trade is not, *per se*, improper, but depends on how the mark is used. While trademarks are used to indicate source, there are certain properties that are generally associated with a particular source. Whether such properties are associated with a source depends on what would be understood by one of skill in the art reading the claims. Applicants respectfully submit that the names "Java Enterprise," "ThinWeb," and "JRUN V3.0" would convey certain features to those of skill in the art, and are therefore not indefinite. In particular, applicant notes that the use of "JRUN" also includes a specific version number.

The antecedent basis issue noted in claim 18 has been addressed by the amendment to claim 18, and applicants submit that the amendment fully responds to the rejection.

Claims 13, 16, 17, 19, and 20 have been rejected under section 112, but only by virtue of their dependency on the aforesaid claims. Since the section 112 issues with respect to claims 12, 14, 15, and 18 have been addressed above, applicants submit that the rejection of claims 13, 16, 17, 19, and 20 has been fully responded to as well.

The Section 103 Rejection

Claims 12-29 have been rejected over either Richard, or a combination of Richard with Cook, as indicated in the Office Action. Applicants have amended independent claims 12 and 21, and is submitted that these claims, as amended, fully define over Richard and Cook. In particular, claim 12 now calls for the computing device at which test questions are

delivered to be “not communicatively connected to said first server during the deliver” of test questions. Claim 18, as amended, recites a similar limitation. In other words, it is possible to deliver test questions at a test center, without live communication with the server from which the test questions originate. This feature is contrary to Richard, which states: “In [a] network, a distributed delivery system is responsive to a student’s request for a course and is operable to search the network for a server where the requested course resides.” (Col. 2, ll. 17-20.) This statement implies ready communication over a network, so that the search mentioned can be performed. By contrast, claims 12 and 18 permit network communication to cease while test questions are being delivered, thereby permitting the data and other materials at the test center to be updated with only intermittent communication with the server. Thus, Richard actually teaches away from the features recited in claims 12 and 18, as amended, and cannot be said to make those claims obvious.

With regard to claim 24, the Examiner’s attempt to read that claim on Richard and Cook overlooks the structure recited in the claim. In particular, claim 24 recites a protocol engine, with a plurality of modules that are coupled in a particular manner recited in the claim. Richard describes various actions that take place at a student workstation, and Cook describes various cryptography features, but neither reference describes a protocol engine that has components or modules that perform acts and that are interrelate to each other in the manner claims. For example, neither Richard nor Cook teaches or suggests “a service module which generates service data ...” and “a service authorization module which is communicatively coupled to said service module, which receives the service data,” The other modules recited in claim 24 have similar interrelationships and structure that are not taught in Richard or Cook, or by any reasonable extension thereof. Thus, applicants submit

that claim 24 is patentable over the prior art cited. Moreover, the Examiner has not addressed the interrelationship features, and thus has not provided a full explanation of how claim 24 is asserted to read on the prior art.

Thus, independent claims 12, 21, and 24 have been shown to be patentable over the prior art, and these claims should be allowed. Moreover, claims 13-20, 22, 23, and 25-29 are dependent on the above-mentioned independent claims, and thus are patentable at least by reason of their dependency.

Finally, applicants have added new dependent claims 30-40. These claims are dependent on the above-mentioned independent claims, and thus are patentable at least by reason of their dependency. Additionally, these claims recite various features that are not taught in the prior art cited by the Examiner. The following is a non-exhaustive list of the features of claims 30-40 that are not taught by the prior art cited:

- Providing an update to testing software or test materials with a periodic frequency (claims 30-33 and 37-40)
- Providing a cryptographic certificate that is required to receive testing software and/or materials. (claims 34-36)
- Revoking the above-mentioned certificate (claim 36)

The features recited in claims 30-40 do not add new matter, and are disclosed at various places in the present application, including, but not limited to, page 6, line 24 through page 15, line 16.

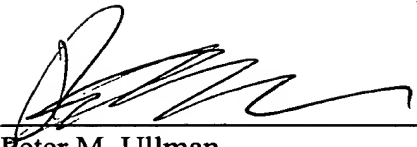
For all of the foregoing reasons, applicants respectfully submit that all grounds for rejection have been addressed, and this case is now in condition for allowance. An early Notice of Allowance is earnestly requested.

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Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

PATENT



Peter M. Ullman
Registration No. 43,963